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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA, ) No. CR 09-00775 SBA  
Plaintiff, ) STIPULATION AND ORDER  
v. ) CONTINUING STATUS CONFERENCE  
JUAN OCTAVIANO LOPEZ, ) AND EXCLUDING TIME  
aka Juan Octavio Lopez Ortiz, )  
aka Juan Lopez Gomez, )  
aka Manuel Vargas, and )  
GLENDY GOMEZ, )  
aka Glendy Elizabeth Gomez, )  
Defendants. )

Plaintiff, by and through its attorney of record, and defendants, by and through their counsel of record, hereby stipulate and ask the Court to find as follows:

1. A status conference in this matter is currently scheduled for 10 a.m. on Wednesday, January 26, 2011, before United States Magistrate Donna M. Ryu.
2. The parties request that this hearing be continued until 9:30 a.m. on Wednesday, March 2, 2011, before United States Magistrate Judge Donna M. Ryu, in order to provide defendants' counsel with additional time to evaluate the evidence in this case and determine

**STIPULATION AND ORDER RESCHEDULING  
HEARING: EXCLUDING TIME**

1 whether or not defendant should enter a change of plea or file motions and to prepare for trial in  
2 this matter.

3. Specifically, additional time is needed for defense counsel to review the results of  
4 independent analysis of narcotics. This independent examination and analysis is necessary for  
5 the defense to effectively prepare for trial in this matter. The parties believe that failure to grant  
6 the above-requested continuance would deny defendants' counsel and defendant the reasonable  
7 time necessary for effective preparation taking into account the exercise of due diligence and that  
8 the ends of justice served by continuing the case as requested outweigh the interest of the public  
9 and defendant in a trial within the date prescribed by the Speedy Trial Act.

10. Thus, the parties respectfully request that the Court find that the time period from  
11 January 26, 2011, to March 2, 2011, is excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A),  
12 (B)(iv) because it results from a continuance granted by the Court at the defendants' request and  
13 on the basis of the Court's finding that the ends of justice served by taking such action outweigh  
14 the best interest of the public and the defendants in a speedy trial and because failure to grant the  
15 continuance would unreasonably deny defense counsel the time necessary for effective  
16 preparation for trial, taking into account due diligence.

17 IT IS SO STIPULATED.

18 MELINDA HAAG  
19 United States Attorney

20 Dated: January 25, 2011

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22 GARTH HIRE  
23 Assistant United States Attorney  
24 \_\_\_\_\_  
25 Attorney for United States of America

26 Dated: January 25, 2011

27 \_\_\_\_\_  
28 /s/  
29 LYNN KESLAR  
30 Attorney for Defendant  
31 Juan Octaviano Lopez

1 Dated: January 25, 2011

2 \_\_\_\_\_  
3 /s/  
4 RANDALL KNOX

5  
6 Attorney for Defendant  
7 Glendy Gomez

8  
9  
10 **ORDER**

11 FOR GOOD CAUSE SHOWN, IT IS SO FOUND AND ORDERED THAT:

12 1. The currently scheduled January 25, 2011, status conference hearing is vacated.

13 A status conference hearing is now scheduled for 9:30 a.m. on March 2, 2011.

14 2. The time period from January 25, 2011, to March 2, 2011, is deemed excludable  
15 pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv) because it results from a continuance granted by  
16 the Court at the defendants' request and on the basis of the Court's finding that the ends of  
17 justice served by taking such action outweigh the best interest of the public and the defendants in  
18 a speedy trial and because failure to grant the continuance would unreasonably deny defense  
19 counsel the time necessary for effective preparation for trial, taking into account due diligence.

20 DATED: 1/25/2011

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22 \_\_\_\_\_  
23 HONORABLE DONNA M. RYU  
24 UNITED STATES MAGISTRATE JUDGE